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the Elimination
of all Forms of
Racial Discrimination

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OF RACIAL DISCRIMINATION

REI TES PARTIES UNDER ARTICLE 9
CONVENTION

Fiftee..... periodic reports of States parties due in 1998

Addendum

Mongolia*

[20 April 1998]

* This document contains the eleventh, twelfth, thirteenth, fourteenth and fifteenth periodic reports due on 5 September 1990, 1992, 1994, 1996 and 1998 respectively. For the tenth periodic report of Mongolia and the summary records of the meetings at which the Committee considered that report, see documents CERD/C/172/Add.10 and CERD/C/SR.839-840.

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General provision

1. The present report represents a summary of measures taken by the Government of Mongolia in line with the International Convention on the Elimination of All Forms of Racial Discrimination. The Constitution of Mongolia constitutes the main source of legal guarantees for the protection from discrimination.

2. The population of Mongolia reached 2,353,000 in 1996. There are 15 ethnic groups residing in the territory of Mongolia. If one looks at the population structure, according to 1989 figures (the next population census is planned to be conducted in 2000) it was made up of the following ethnic groups: Khalkhas accounted for 81.0 per cent of the total population, Kazaks for 6.1 per cent, Durvuds for 2.8 per cent, Buriads for 1.8 per cent, Bayads for 2 per cent, Darigangas for 1.4 per cent, Urianhais for 1.2 per cent, Zahchins for 1.2 per cent, Darkhads for 0.7 per cent, Torguuds for 0.3 per cent, Uulds for 0.5 per cent, Khotons for 0.3 per cent, Mayangads for 0.2 per cent, Bargas for 0.1 per cent, Uzemchins for 0.1 per cent. In addition, according to 1996 figures, 3,160 foreign citizens were residing privately within Mongolia, of whom 1,511 were from the Russian Federation, 1,546 from China and 30 from other countries.

3. It should be noted that the above-mentioned ethnic groups enjoy equal social status and there is no form of discrimination against them. In particular, these ethnic groups preserve and revere their national languages, cultures, art and traditions and exercise full freedom of the press and of information.

Article 2

4. Paragraph 2 of article 14 in chapter 2 of the Constitution of Mongolia spells out that "No person shall be discriminated against on the basis of ethnic origin, language, race, age, sex, social origin and status, property, occupation or post, religion, opinion and education. Everyone shall be a person before the law". Following its adoption, there emerged a need to revise national laws and regulations in order to bring them into conformity with the new Constitution. In working out new laws and regulations, the provisions of international instruments on human rights to which Mongolia is a party have been duly taken into consideration.

5. The Law of Mongolia on the Legal Status of Foreign Citizens was adopted in December 1993. The purpose of this Law is to regulate the entry, exit, transit and residence of foreign citizens and stateless persons in Mongolia and to define their rights and duties. As stated in article 8 of the Law, "All persons legally residing in Mongolia are equal before the law and the court". Moreover, it was defined by the law that "foreign citizens in Mongolia shall exercise the rights and freedoms provided in the law of the country equally with Mongolians". This means that a foreign national shall exercise the rights to work, to health protection, to medical care, to study, to carry out cultural, artistic and scientific activities, to submit petitions, to enjoy personal liberty and security, to appeal to the courts, to express opinions, to make a speech and to publish, and to seek and receive information like a citizen of Mongolia. However, at the same time, the Law

envisages the possibility of establishing some restrictions on the rights and freedoms of aliens. Paragraph 2 of article 8 of the Constitution and paragraph 3 of article 8 of the Law state that in establishing the rights and duties of foreign citizens, Mongolia shall adhere to the principle of reciprocity with the country of which the person is a citizen. Moreover, article 10 of the Law contains the following restrictions: "Foreign citizens shall not have the right to elect or to be elected to the self-governing bodies of administrative units, cities, villages or State organizations of Mongolia and shall not take part in national opinion polls. Foreign citizens shall not be employed as full-time employees of the State and shall not be obliged to serve in the armed forces of Mongolia. Foreign citizens shall not set up or join political parties or any organizations for political activities in the territory of Mongolia". As provided for in paragraph 7 of this article, "In order to ensure the sovereignty of Mongolia, national security and public order, any necessary restrictions may be established on the rights and freedoms of foreign citizens, apart from the basic human rights".

Article 3

6. There is no racial discrimination or apartheid practised in Mongolia.

Article 4

7. As noted above, the Constitution, other laws and regulations of Mongolia provide for all citizens to enjoy equal rights irrespective of race and ethnic origin.

8. Article 7 of the Criminal Code of Mongolia stipulates that anyone advocating propaganda or agitation for the purpose of inciting discrimination, hostility between people on the basis of nationality, ethnic origin, language or race, restriction of the rights of some people and the provision of privileges for others shall be sentenced to imprisonment for a term of three years. It is noteworthy, in connection with this provision, that neither propaganda nor any organization promoting racial discrimination exists in Mongolia.

Article 5

9. Various legislation in Mongolia secures for everyone equal rights before the law, regardless of nationality, race or ethnic origin. As stated in article 19 of the Law on Courts, "Every person in Mongolia shall be equal before the law and the court irrespective of nationality, language, race, age, sex, social origin and status, property, occupation or post, religion, opinion or education or other condition ...."

10. The privacy of citizens, their families, correspondence and residence shall be protected by the law. "No one shall be searched, arrested, detained, persecuted or restricted of liberty" (Constitution, art. 16, para. 13).

11. Citizens shall have the right (a) to appeal to the court to protect his/her rights if he/she considers that the rights and freedoms as spelt out by Mongolian law or an international treaty have been violated; (b) to be compensated for damage illegally caused by others; (c) not to testify against

himself/herself, his/her family or parents and children; (d) to legal defence and to receive legal assistance; (e) to have evidence examined; (f) to a fair trial; (g) to be tried in his/her presence; (g) to appeal against a court judgement; and (h) to seek pardon (Constitution, art. 16, para. 14).

12. The right of citizens to take part in the government of the country directly or through representative bodies is proclaimed in article 16 of the Constitution.

13. Every citizen has a right to elect and to be elected to State bodies. Pursuant to paragraph 2 of article 1 of the Law on Elections to the State Great Hural of Mongolia, paragraph 3 of article 3 of the Law on the Presidential Election, paragraph 2 of article 3 of the Law on Elections to Aimag, Capital, Soum, District Hurals of Citizens' Representatives, "Citizens of Mongolia residing in the country on the day of elections, who have attained the age of 18, irrespective of their nationality, ethnic origin, language, race, sex, social origin and status, property, occupation or post, religion, conviction and education shall have the right to vote".

14. The Constitution of Mongolia has fully guaranteed political, civil, social, economic and cultural rights of citizens of the country. "Foreign citizens in Mongolia shall exercise the rights and freedoms provided in the law of the country equally with Mongolians" (Law on the Legal Status of Foreign Citizens, art. 8).

15. As provided for in the Constitution, the citizens of Mongolia shall exercise the right to fair acquisition, possession and inheritance of movable and immovable property. Moreover, they shall exercise the right to free choice of employment and of favourable conditions of work, remuneration, rest and private enterprise; they shall enjoy the right to material and financial assistance for old age, disability, childbirth and child care and, in other cases as provided by the law shall get a pension, an allowance from the social insurance and safety net funds.

16. Apart from this, the right to health and medical care, education and to engage in creative cultural, artistic and scientific work and to benefit therefrom, the right to freedom of movement and residence within the country, to travel and reside abroad and to return to the home country have also been declared in the Constitution of Mongolia.

Article 6

17. Under article 19 of the Constitution, "The State shall be responsible to the citizens for the creation of economic, social, legal and other guarantees ensuring human rights and freedoms, for the prevention of violations of human rights and freedoms and [the] restoration of infringed rights".

18. No case involving instances of discrimination on the grounds of race or ethnic origin has been reported and tried in Mongolia.

Article 7

19. In accord with paragraph 1 of article 2 of the State Policy on Education, adopted in June 1995, citizens shall not be discriminated against in regard to study on the basis of ethnic origin, language, race, age, sex, social origin or status, property, occupation or post, religion or opinion. In addition, article 9 prohibits training or educational work which could adversely affect citizens' interests, health, ethics and social safety. The principle of prohibition of racial discrimination as defined in the State policy has been legalized in article 4 of the Law on Education, enacted in June 1995.

20. The principle and policy banning racial discrimination, apart from being legislated, have been reflected in the curricula of social science training in primary, secondary and tertiary educational establishments, as well as courses, universities and institutes preparing teachers and trainers. The trainees are taught this subject within the framework of courses such as Traditions, Law and State and Constitutional Law. Thus, for instance, pupils in grades 1-4 in secondary schools are taught the issues of respecting people of other nationalities, races and ethnic origins, about good and bad deeds, justice, compassion, reputation, happiness, humanity, collectivism, patriotism and friendship, within the subjects Sacred Traditions and Ethics, one hour per week, i.e., altogether about 150 hours per year. Further, pupils of grades 6-7 are offered teaching on fundamental human rights, freedoms and duties such as the right to life, personal liberty and security, opinion and belief, freedom of religious worship, etc., within the framework of a course in Law taught about 90 hours per year.

21. The objectives of the subjects Brief History of Human Culture and Civilization and Social and Economic Geography of Mongolia and the World which are taught in grades 5-8 of secondary school, are defined as follows: to share with pupils the individual's historical experience and concept of humanity and to instil in them a belief in respecting human rights, democratic values, the spirit of patriotism and mutual understanding of peoples. The pupils are acquainted with geographical location, historical and cultural specificity and the struggle against racial discrimination of various nationalities and ethnic groups and come to understand that although their traditional customs, religion and outlooks may be different, there are things that all the world's nationalities value.

22. Pupils in grades 9-10 of secondary school are introduced to socio-economic and political systems, social strata and ethnic groups, and political tolerance and culture in the course Knowledge about Society.

23. The new democratic Constitution of Mongolia (1992) and issues pertaining to human rights are studied according to special curricula for general and professional purposes in public and private institutes and universities.

24. It is evident from the above that the curricula of both formal and informal training, at all levels of schooling and especially the syllabuses of social and humanitarian subjects specifically reflect notions of mutual

understanding and friendship, based on the Charter of the United Nations, the Universal Declaration of Human Rights and the concept, objective and principles of the International Convention on the Elimination of All Forms of Racial Discrimination.

25. The Constitution of Mongolia has declared that citizens have the right to engage in creative, cultural, artistic and scientific work and to benefit therefrom. In line with the Constitution, the Copyright Law and the Patent Law have been enacted.

26. The State Policy on Culture was adopted in 1996 by the State Great Hural of Mongolia. According to the policy document, one of the principles of the State policy on culture is to ensure conditions and opportunities for respecting, preserving, enriching and developing equally the heritage, culture, history and traditions of ethnic groups. To the extent that any State institution or official in Mongolia makes decisions in the field of culture on the basis of the policy document, we may say that no action or activity aimed at racial discrimination against an individual, a group or an institution is undertaken in the country.

27. The State explores every opportunity to protect and develop national culture and traditions. Thus, in order to restore and spread the traditional heritage and culture of various ethnic groups, Folk Art Festivals have been organized at the national level regularly every three to four years since 1961.

28. Within the World Decade for Cultural Development, the Government of Mongolia announced the year 1995 as the "Year of Culture" during which a variety of activities were implemented as planned.

29. The agents of the mass media, including the press, radio and TV, constantly pay attention to human rights advocacy and dissemination of information about the purposes and principles of human rights instruments. Every year specific activities are carried out to commemorate the anniversary of the Universal Declaration of Human Rights. Seminars on human rights are regularly conducted for lawyers, the judiciary, representatives of the NGO community, as well as for the members of other professions. The mass media inform, publicize and explain about these activities.

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